

Appl. No. 10/044,645
Amdt. dated June 16, 2003
Reply to Office Action of December 17, 2002

Remarks/Arguments

Claims 1-4, 9-13, and 15-30 remain in the application. Claims 1, 9, 10 and 18 have been amended to promote prosecution and more clearly recite the methods claimed. New claims 23-30 have been added. Support for the new claims appears throughout the specification including the claims as originally filed.

The Examiner has acknowledged that claims 10-13 and 15-19 are free of the art. In view of the amendments herein, Applicant submits that each of the claims are in condition for allowance.

Rejections Under 35 U.S.C. § 112

Claims 9-13 and 15-22 are rejected under 35 U.S.C. 112, second paragraph, as indefinite.

Claim 10 has been amended to more clearly recite the method claimed, in view of the Examiner's remarks. Claim 18 has been amended in view of the Examiner's remarks to overcome this rejection.

Applicant submits that the claims as amended are definite in accordance with the requirements of 35 U.S.C. § 112. Withdrawal of this rejection is therefore respectfully requested.

Rejections under 35 U.S.C. § 102(b)

Claims 1-4, 9 and 20-22 are rejected under 35 U.S.C. 102(b) as anticipated by the Product Alert Abstracts of 12 Dec 1992 and 22 July 1996, and Myers et al. (US 2002/0127189).

Appl. No. 10/044,645
Amdt. dated June 16, 2003
Reply to Office Action of December 17, 2002

Without prejudice or disclaimer, claims 1 and 9 have been amended, and new claims 23-30 have been added. The composition claims as amended are not disclosed in the cited Product Alert Abstracts. Claim 1 as amended is directed to a composition comprising *Serenoa repens* or an extract thereof and synephrine, wherein the composition is suitable for oral administration. Claim 9 as amended is directed to a composition comprising *Serenoa repens* or an extract thereof and a sympathomimetic agent, wherein the sympathomimetic agent is *Citrus aurantium* or other natural source of synephrine, wherein the composition is suitable for oral administration.

New independent claim 25 and dependent claims 26-30 are directed to a composition comprising *Serenoa repens* or an extract thereof and a sympathomimetic agent, wherein the sympathomimetic agent is synephrine, or *Citrus aurantium* or other natural source of synephrine or extract thereof containing synephrine therein.

The Product Alert abstracts relate to products comprising saw palmetto in combination with ma huang. Since the cited art does not identically disclose the claimed compositions as defined by the amended claims, withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

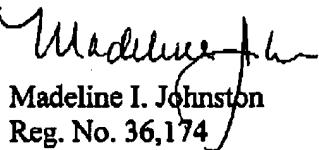
Appl. No. 10/044,645
Amdt. dated June 16, 2003
Reply to Office Action of December 17, 2002

Conclusion

In view of the arguments and amendments herein, allowance of the claims as amended is respectfully requested.

The Commissioner is authorized to charge any fees associated with this filing to Deposit Account No. 11-0980 referencing Attn. Docket No. 10401.105002.

Respectfully submitted,


Madeline I. Johnston
Reg. No. 36,174

Date: June 17, 2003

King & Spalding, LLP
191 Peachtree Street, N.E., 45th Floor
Atlanta, Georgia 30303
Ph: 404.572.4720
Fax: 404-572-5145

K&S Docket: 10401.105002